



# **CITY COUNCIL AGENDA REPORT**

MEETING DATE: OCTOBER 19, 2010

ITEM NUMBER:

SUBJECT: APPEAL OF PLANNING APPLICATION PA-10-15  
3183 RED HILL AVENUE

DATE: OCTOBER 5, 2010

FROM: DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: MINOO ASHABI, SENIOR PLANNER  
KIMBERLY BRANDT, DIRECTOR

FOR FURTHER INFORMATION CONTACT: MINOO ASHABI, (714) 745-5610

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## **RECOMMENDATION:**

Receive and file. No further action is needed due to withdrawal of request.

## **BACKGROUND:**

On August 9, 2010, the Planning Commission approved the proposed project on a 4-1 vote (Commissioner Fitzpatrick voting no) to establish an after school program (The Discovery School of Arts and Sciences) as an ancillary use within a new church facility at 3183 Red Hill Avenue, with the exception of the off-site parking.


On August 16, 2010 an appeal was filed by Allen Matkins on behalf of the adjacent property owner at 3187 Red Hill Avenue.

On September 7, 2010, at the request of the appellant, the City Council on a 5-0 vote continued hearing of the appeal to October 19, 2010 City Council meeting.

Staff was notified that the church was not able to secure financing and was no longer in negotiations to acquire the property. On October 4, 2010, the applicant and the appellant submitted requests to withdraw the application and the appeal, respectively (Attachment 1).

The reports and minutes of the meetings can be referred to at the following link:

<http://www.ci.costa-mesa.ca.us/CMCalendar.htm>

  
MINOO ASHABI, AIA  
Senior Planner

  
KIMBERLY BRANDT, AICP  
Development Services Director

cc: City Manager  
Assistant City Manager  
City Attorney  
Public Services Director  
City Engineer  
Transportation Svs. Manager  
Fire Protection Analyst  
Staff (4)  
File (2)

Scott vonKaenel  
Lundstrom and Associates  
2923 Pullman Street, Suite A  
Santa Ana, CA 92705-5818

David Spiegel  
Spiegel Development, Inc.  
22801 Ventura Blvd. Suite 111  
Woodland Hills, Ca 91364

Matthew R. Fogt  
Allen Matkins Leck Gamble Mallory & Natsis LLP  
1900 Main Street, 5<sup>th</sup> floor  
Irvine, CA 92614-7321

Attachments: 1. Submitted letters

File: 101910PA1015Appeal	Date: 100710	Time: 3:30 p.m.
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Minoo Ashabi  
Senior Planner  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92628

October 4, 2010

RE: Withdraw of Application

Dear Miss Ashabi,

As agent of the owner, we are requesting that the planning application PA-10-15 be withdrawn. Please do not hesitate to contact me should you have any questions.

Sincerely,

Scott vonKaenel  
Associate, Lundstrom & Associates

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**From:** Fogt, Matthew [mailto:mfogt@allenmatkins.com]  
**Sent:** Monday, October 04, 2010 1:57 PM  
**To:** ASHABI, MINOO  
**Cc:** Mary  
**Subject:** RE: 3183 and 3187 Red Hill, Costa Mesa, Ca.

Minoo:

Thank you for the email. As you are aware, we represent Weir Canal LLC. On behalf of my client, please withdraw our appeal conditioned upon the withdrawal of the underlying application. We understand that the property was sold to another buyer and thus the application from the church was withdrawn. Please contact me with any questions.

Best regards,  
Matt

**Matthew Fogt Esq.**

Allen Matkins Leck Gamble Mallory & Natsis LLP  
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**Allen Matkins**

**From:** FLYNN, CLAIRE  
**Sent:** Friday, October 01, 2010 3:11 PM  
**To:** 'Kathe Morgan'; Fogt, Matthew; ASHABI, MINOO  
**Cc:** Dr Jim; Herb; Jon; psapetto@sapettogroup.com  
**Subject:** RE: 3183 and 3187 Red Hill, Costa Mesa, Ca.

Thank you for the information.

For our records: The applicant (Kathe Morgan) would need to submit in writing that the application is officially withdrawn. The appellant (Allen Matkins) would need to submit in writing that the appeal is withdrawn.

Thanks.

Claire

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**From:** Kathe Morgan [mailto:kmorgan@lee-associates.com]  
**Sent:** Friday, October 01, 2010 2:37 PM  
**To:** Fogt, Matthew; FLYNN, CLAIRE; ASHABI, MINOO

**Cc:** Dr Jim; Herb; Jon; psapetto@sapettogroup.com  
**Subject:** RE: 3183 and 3187 Red Hill, Costa Mesa, Ca.

**Matt, Clair and Minoo:**

The extension is not necessary as I was notified that the property has closed and was sold to an investor represented by your client's (3187 Red Hill) broker Brian Garbutt. Thanks to all of you for your professional assistance with this matter -

**KATHE MORGAN**

CA Lic #00703611

**Lee & Associates - Newport Beach, Inc.**

CA Lic #00197433

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**From:** Fogt, Matthew [mailto:mfogt@allenmatkins.com]

**Sent:** Friday, October 01, 2010 9:03 AM

**To:** FLYNN, CLAIRE; ASHABI, MINOO; Kathe Morgan

**Cc:** Mary

**Subject:** RE: 3183 and 3187 Red Hill, Costa Mesa, Ca.

Ms Flynn and Ms. Ashabi:

Weir Canal hereby requests an extension of this matter until January. In the event the church goes back under contract, we consent to expediting the hearing.

Kathe: Please advise as to whether your client continues to support an extension until January.

Please contact me with any questions.

Best regards,  
Matt

**Matthew Fogt Esq.**

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